

Message Text

UNCLASSIFIED

PAGE 01 USBERL 00001 191010Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10
L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 ICA-20
IO-14 MCT-01 /092 W
-----124203 191241Z /47

R 190923Z JUN 78
FM USMISSION USBERLIN
TO SECSTATE WASHDC 7064
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMCONSUL BREMEN
AMCONSUL DUESSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
AMCONSUL STUTTGART
USMISSION USNATO

UNCLAS SECTHION 1 OF 2 USBERLIN 1437

E.O.11652: NA
TAGS: PGOV, AKB, BQG
SUBJECT: TRIAL OF 2 JUNE MOVEMENT TERRORISTS:
RESUMPTION - NINTH WEEK

REF: (A) USBERLIN 1253, (B) USBERLIN 1232 (NOTAL), (C) USBERLIN
1239, (D) USBERLIN 1288

SUMMARY: TRIAL RESUMED ON 14 JUNE AND HANDLED MORE PROCEDURAL
MOTIONS. DEFENSE COUNSEL MOTION TO DISCONTINUE TRIAL ON
GROUNDS FEDERAL PROSECUTOR'S PARTICIPATION IS IN VIOLATION OF
STATUS OF BERLIN WAS REJECTED. ATTEMPT BY PROSECUTOR TO
EXCLUDE ONE DEFENSE COUNSEL AND ATTEMPT BY ANOTHER COUNSEL TO
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USBERL 00001 191010Z

WITHDRAW WERE REJECTED. LAWYER BECKER, INITIALLY SUSPECTED
OF COMPLICITY IN TILL MEYER ESCAPE HAS SOUGHT TO WITHDRAW
FROM TRIAL. COURT APPOINTED DEFENSE COUNSELS HAVE AGAIN
BEEN THREATENED. THEY NOW HAVE POLICE PROTECTION. THE
HEARING OF EVIDENCE IS EXPECTED TO BEGIN AT THE NEXT
SESSION. END SUMMARY.

1. ON 14 JUNE THE TRIAL WAS RESUMED WITH THE HOLDING OF THE 15TH SESSION BY THE 1ST PENAL SENAT. AT THAT SESSION THE COURT REJECTED SEVERAL MOTIONS FOR DISCONTINUANCE OF THE TRIAL WHICH DEFENSE COUNSELS HAD FILED. ONE OF THESE MOTIONS WAS BASED ON DEFENSE COUNSEL WIELAND'S CLAIM THAT THE FACT THAT THE PROSECTUION IN THIS TRIAL WAS REPRESENTED BY THE FEDERAL PROSECUTOR WAS A VIOLATION OF THE POTSDAM AGREEMENT AND OF THE FOUR-POWER STATUS OF BERLIN. HE STATED THAT HIS VIEWS WERE SHARED BY THE SOVIET EMBASSY IN EAST BERLIN AND PRODUCED A LETTER FROM THE SOVIET EMBASSY DATED AUGUST 1977 TO THAT EFFECT. FEDERAL PROSECUTOR OBERLE REPLIED THAT THE "PRESENCE AND ACTIONS OF THE FEDERAL PROSECUTION IN BERLIN WERE A MATTER OF COMPETENCY OF THE ALLIES AND THEREFORE NOT AN ACT OF THE FEDERAL GOVERNMENT." HE ADDED THAT BERLIN WAS CHOSEN AS THE VENUE BECAUSE ALL CRIMES AT ISSUE IN THE TRIAL HAD BEEN COMMITTED IN BERLIN AND BECAUSE THE ACCUSED WERE ARRESTED HERE. COMMENT. THE RAISING, REBUTTAL AND DENIAL OF THIS MOTION WERE HANDLED IN LOW-KEY. MANNER. END COMMENT.

2. THE COURT ALSO REJECTED A MOTION FOR RELIEF FROM APPOINTMENT FILED BY COURT-APPOINTED DEFENSE COUNSEL SCHALLHOEFER. A DECISION ON SIMILAR MOTIONS FILED BY COURT-APPOINTED COUNSELS GNISODORZ AND HOHLA HAS NOT YET BEEN GIVEN.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 USBERL 00001 191010Z

3. NICOLAS BECKER, ONE OF THE DEFENSE COUNSELS WHO IS THE PERSONAL CHOICE OF HIS CLIENT (AND WHO WAS PRESENT IN MOABIT PRISON AT THE TIME OF DEFENDANT TILL MEYER'S ESCAPE AND INITIALLY SUSPECTED OF COMPLICITY), DID NOT ATTEND THE 15TH SESSION; HE HAS FILED A MOTION TO WITHDRAW. HE HAS BASED HIS MOTION ON THE FACT THAT HIS DEFENSE RECORDS HAVE BEEN PERUSED BY THE PROSECUTION. HE FURTHER EXPLAINED THAT HIS RELATIONSHIP TO ANDREAS VOGEL, HIS CLIENT, HAS CHANGED SINCE MEYER'S ESCAPE FROM PRISON. A DECISION ON HIS MOTION HAS NOT YET BEEN MADE.

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRIALS, TERRORISTS, FUGITIVES, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USBERL00001
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780254-1278
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780642/aaaabktj.tel
Line Count: 104
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6f6cc785-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 USBERLIN 1253, 78 USBERLIN 1232
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2293562
Secure: OPEN
Status: NATIVE
Subject: TRIAL OF 2 JUNE MOVEMENT TERRORISTS: RESUMPTION - NINTH WEEK
TAGS: PGOV, WB, AKB, BQG, 2 JUNE MOVEMENT, (MEYER, TILL)
To: STATE BONN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/6f6cc785-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014